

REC'D 07 SEP 2004

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## PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)



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| Applicant's or agent's file reference<br>J00045218WO   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/GB 03/01006   | International filing date (day/month/year)<br>10.03.2003  | Priority date (day/month/year)<br>08.03.2002 |
| International Patent Classification (IPC) or both national classification and IPC<br>G11B20/00 |   |  |
| Applicant<br>FIRST 4 INTERNET Ltd et al.   |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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|---|--|
| Date of submission of the demand<br>15.12.2003  | Date of completion of this report<br>01.09.2004  |
| Name and mailing address of the international preliminary examining authority:<br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized Officer<br>Gil Zamorano, A<br>Telephone No. +49 89 2399-7629<br> |

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/01006

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-35 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/01006

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.  
☐ paid additional fees.  
☐ paid additional fees under protest.  
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.  
☒ not complied with for the following reasons:

**see separate sheet**

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.  
☒ the parts relating to claims Nos. 1-10 .

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |             |      |
|-------------------------------|-------------|------|
| Novelty (N)                   | Yes: Claims | 1-10 |
|                               | No: Claims  |      |
| Inventive step (IS)           | Yes: Claims | 1-10 |
|                               | No: Claims  |      |
| Industrial applicability (IA) | Yes: Claims | 1-10 |
|                               | No: Claims  |      |

**2. Citations and explanations**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/01006

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see separate sheet

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB 03/01006

The IPEA is aware that the time limit for establishing the international preliminary examination report has expired. Please accept our apologies for this delay and any troubles that may have been caused by the exceptional deviation from the normal procedure.

**To section IV:**

The examination division is of the opinion that the application still lacks unity. Since no changes have been made to the original documents, the reasons for Lack of Unity given in the **International Search Report** still apply. These reasons are fully supported.

**To section V:**

The invention according to **claim 1** relates to a compact disc in which the data is recorded in a manner to prevent or restrict copying.

Prior art: It is generally known to use unrecoverable data in a data portion in a compact disc in order to prevent a CD-ROM drive to read and copy the data. WO00/74053A also describes how the P-subchannel include flags to indicate the start of a respective track. Nevertheless, there is no hint on how this flag could be used to indicate a different start position of the track which includes a recoverable payload.

WO01/80546A, also cited in the International Search Report, provides a number of different, complementary techniques for modifying the data in a compact disc in order to prevent or restrict copying. One of these techniques include modification of the subcode information, for example changing or distorting the absolute or relative time for the frames. This will result in discontinuities and distortion in the copies.

Invention: The problem from which the application is starting is to find an alternative to prevent reading of audio tracks by a CD-ROM drive. The invention derives a technique in which unrecoverable data is recorded at the initial sectors of the track, and where in a subchannel (P-channel) a new payload start address different to the track start address is indicated to read the recoverable data payload.

None of the available prior art discloses or renders obvious the subject-matter claimed.

The subject matter of independent **claim 5** corresponds in terms of apparatus features to that of claim 1. The comments above also apply.